

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-35006 – EXTENSION OF TIME – VARIANCE -

APPLICANT/OWNER: HOLY CROSS MISSIONARY BAPTIST CHURCH

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. This Variance (VAR-6597) shall expire on July 6, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Variance (VAR-6597) and all other site related actions as required by the Planning and Development Department and Department of Public Works.
3. The operation of a Church/House of Worship within the existing single-family residence on the subject site shall terminate immediately. The use may commence after all necessary building permits to convert the structure from residential to a place of assembly have been issued and finalized.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant received previous approval for a proposed 5,700 square-foot church with a Variance (VAR-6597) to allow a five-foot setback where residential adjacency standards require 78 feet. In August 2007, the applicant received approval for a two-year Extension of Time. There has been no progress made towards exercising the entitlement.

The subject site currently has an existing 740 square-foot, single-family residence that is being used as a church that is not permitted. The site does not comply with Title 19.04, as a Special Use Permit (SUP-6595) was approved for a new Church with waivers and a variance, not the conversion of an existing single-family residence. A research of the building permit activity shows no history of any permits being issued for the conversion of the single-family residence to a church, nor is there a record of a Certificate of Occupancy or an approved final inspection. Additionally, the site fails to meet the requirements outlined in Title 19.10 and 19.12 pertaining to required parking, landscaping, and buffer standards.

Staff is recommending denial of the Extension of Time request as the applicant is utilizing a structure for a use not permitted and has made no progress in the last four years towards exercising the existing entitlement.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/06/05	The City Council approved a request for a Special Use Permit (SUP-6595) for a proposed Church at 1328 West Lake Mead Boulevard. The Planning Commission recommended approval on 06/09/05.
07/06/05	The City Council approved a request for a Site Development Plan Review (SDR-6596) for a proposed 5,700 square-foot Church and waivers to allow a 10-foot front setback where 20 feet is required and the perimeter and parking lot landscaping requirements on 0.40 acres at 1328 West Lake Mead Boulevard. The Planning Commission recommended approval on 06/09/05.
07/06/05	The City Council approved a request for a Variance (VAR-6597) to allow a five-foot setback where residential adjacency standards require 78 feet for a proposed Church on 0.40 acres at 1328 West Lake Mead Boulevard. The Planning Commission recommended approval on 06/09/05.

08/01/07	The City Council approved a request for an Extension of Time (EOT-22718) of a previously approved Special Use Permit (SUP-6595) for a proposed Church at 1328 West Lake Mead Boulevard.
08/01/07	The City Council approved a request for an Extension of Time (EOT-22719) of a previously approved Site Development Plan Review (SDR-6596) for a proposed 5,700 square-foot Church and waivers to allow a 10-foot front setback where 20 feet is required and the perimeter and parking lot landscaping requirements on 0.40 acres at 1328 West Lake Mead Boulevard.
08/01/07	The City Council approved a request for an Extension of Time (EOT-22720) of a previously approved Variance (VAR-6597) to allow a five-foot setback where residential adjacency standards require 78 feet for a proposed Church on 0.40 acres at 1328 West Lake Mead Boulevard.
<i>Related Building Permits/Business Licenses</i>	
There are no business licenses or building permits issued for the subject site.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.38

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence being utilized for a Church	C (Commercial)	R-2 (Medium-Low Density Residential)
North	Undeveloped Land	SC (Service Commercial)	C-1 (Limited Commercial)
		MLA (Medium-Low Density Residential)	R-2 (Medium-Low Density Residential)
South	School	C (Commercial)	C-V (Civic)
East	Single-Family Residences	MXU (Mixed-Use)	R-2 (Medium-Low Density Residential)
West	Undeveloped Land	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (105 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N.A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Variance (VAR-6597) to allow a five-foot setback where residential adjacency standards require 78 feet for a proposed Church/House of Worship located at 1328 West Lake Mead Boulevard. Since the original approval of the Variance (VAR-6597), the applicant has not shown any progress on the proposed development. The subject site currently has a 740 square-foot, one-story single-family residence that is being used as a church. There is no landscaping or designated parking spaces located on the lot. Staff conducted a site inspection and found that the residence has signage posted advertising the name of the Church and the hour of services. A research of building permit activity shows no history of any permits being issued for the conversion of the single-family residence to a church, nor is there a record of a Certificate of Occupancy or an approved final inspection for the use.

FINDINGS

The current structure is not permitted to be utilized as a church. The Variance (VAR-6597) that was approved and all plans submitted are for a new 5,700 square-foot building, not the conversion of an existing single-family residence. Additionally, the subject site does not comply with Title 19.10 and 19.12 pertaining to required parking, landscaping, and buffer standards. City records show no history of permit activity to convert the current single-family home to a church, nor is there a record of a Certificate of Occupancy being issued.

Title 19.18.070 deems a Variance exercised upon the approval of a business license for the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection. The applicant has not met Title 19.18.070 requirements as a permit has not been issued for the new structure nor has construction commenced.

The applicant is requesting a two-year extension of time due to poor economic conditions and time to secure financing. In the four years since the original approval of the Variance (VAR-6597), the applicant has not made any progress towards exercising the entitlement for the proposed development. Staff is recommending denial of this request since the applicant is utilizing an existing structure for a use not permitted and fails to meet Title 19 requirements for the designed use.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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